



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-15

Legistar #: 20130240

Board of Zoning Appeals Hearing: Monday, March 25, 2013 – 6:00 p.m.

Petitioner/Agent: Keith Cristal
1794 Roswell Road
Marietta, GA 30062

Property Owner: Four H Ches LLC
Attn: Ralph Bryan Hutton
P. O. Box 158
Hickory, N. C. 28603

Address: 1794-1798 Roswell Road

Land Lot: 11340 District: 16 Parcel: 0100

Council Ward: 7 Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to waive the minimum standards for parking and driveway surfaces so as to allow parking of vehicles on an untreated hardened surface. [\$716.08]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES







Recommended Action:

Approval, with conditions. Keith Cristal, petitioner for the owner, Four H. Ches LLC, is requesting variances to utilize property for boat and RV storage. The subject property is 3.033 acres, is zoned CRC (Community Retail Commercial), and is located at 1798 Roswell Road, which is located just south of South Marietta Parkway. To the rear of the subject property is an apartment complex that is located in Cobb County. To the south is an office building that is zoned OI (Office Institutional); and across Roswell Road is a mostly vacant shopping center where Symm's used to be the major tenant, and that property is zoned CRC (Community Retail Commercial).

According to the City parking regulations, the parking of any vehicle (including, but not limited to trailers and boats) on any lot in any district on other than a surface treated and hardened to accommodate vehicles up to 8,000 pounds gross axle weight is prohibited. Therefore, the petitioner is requesting to waive this requirement, which would allow him to store boats and RVs on an unpaved surface. According to City records, JOA Marine operated the boat sales business, from 1989 to 2008, and in doing so, stored the boats in this unpaved area.

Some of the driveways on the subject property are paved, and there is a paved area around the building on the eastern half of the lot, where current cars sales exist. However, the untreated surfaces are located on the western half of the lot where boats and vehicles are planned for parking and storage. Much of this area is also below the street level, as there is a steep bank from Roswell Road down to the proposed boat/RV storage area. However, where appropriate, street trees should be planted, as required by the Tree Ordinance.

Below are cases in which the Board of Zoning Appeals has approved similar requests in the past.

Case #	Address	Zoning
V-95052	1014 Industrial Park Dr	LI
V-96042	2032 Airport Ct	LI
V-98023	Dickson Rd	LI
V-98029	424 Glover St	LI
V2000-31	2068 Airport Ind Pk Dr	LI
V2001-01	279 Washington Ave	OI
V2001-03	1551 West Oak Dr	CRC
V2008-17	1018 Powder Springs St	R-2
V2013-08	33 Garrison Rd	OIT

Several important items should also be noted regarding this site:

1. There is no buffer provided between the subject property and the apartment complex located to the north. While there is not enough area to provide a landscaped buffer, an opaque fence would help to provide a visual barrier between the properties.
2. When JOA Marine vacated the property, they did not remove their nonconforming pole sign, which has lost its “grandfathered” status and is now considered abandoned. This sign must be removed, and any new sign that is to be erected must meet current sign regulations.

Allowing the area that is proposed for storage of boats and RV’s to remain unpaved will eliminate the increased impervious surface area on the property. As such, ***Staff recommends approval of the request variance, with the following conditions:***

1. ***All boat/RV storage areas must be covered with gravel, slate, stone, or other similar material. However, the material, as well as the size and depth of the material on site, must be approved by the Public Works Director. This material must be in place and approved by Code Enforcement and the Public Works Department prior to obtaining a business license to store boats/RV’s on the property.***
2. ***A concrete apron, with a minimum length of 20’, must be installed and maintained wherever the unpaved surface meets the right of way. This concrete apron must be in place and approved by Code Enforcement and the Public Works Department prior to obtaining a business license to store boats/RV’s on the property.***
3. ***Where appropriate, street trees should be planted, as required by the Tree Ordinance.***
4. ***An opaque fence must be installed along the property line between the subject property and the apartment complex located to the north. Such a fence must be installed within one year of the date of the approved variance.***
5. ***The abandoned “JOA Marine” pole sign must be removed within 90 days of the date of the approved variance.***